

REMARKS/ARGUMENTS

This paper is responsive to the Final Office Action mailed March 13, 2009. Claims 1-11, 13-30 and 38-60 were pending before submission of this paper. Claims 1-11, 13-30 and 38-60 stand rejected. Specifically, Claims 1-6, 9-11, 13-19, 22-30 and 38-60 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rorex in view of Glance (US 6,732,088, hereinafter “Glance”). Claims 7-8, 20-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rorex as modified in combination with Glance as applied to claims 1-6, 9-11, 13-19, 22-30 and 38-60 above, and further in view of Barsness et al. (US2003/0028441, hereinafter “Barsness”).

Claims 1, 11, 26, 38, 47 and 56 have been amended. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

I. Examiner Interview

A telephone interview was conducted with Examiner Ahluwalia on Thursday, April 16, 2009 at 2:00 Eastern Time. The undersigned attorney represented Applicants in the interview. In the interview, the U.S. Pat. No. 6,876,997 to Rorex (hereinafter “Rorex”) as applied to Applicants’ claim 1 was discussed in detail. Although no agreement was reached, Examiner Ahluwalia graciously offered several suggestions that she thought would help clarify the claims. In particular, Examiner Ahluwalia suggested amending claim 1 to include “a computer system” in the preamble and to recite more detail regarding “receiving...content derived from the web page.” Applicants appreciate the Examiner’s helpful suggestions and submit this response in accordance with those suggestions.

II. Claims 1-6, 9-11, 13-19, 22-30 And 38-60 Are Allowable Under 35 U.S.C. § 103 Over Rorex in View of Glance

Claims 1-6, 9-11, 13-19, 22-30 and 38-60 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rorex in view of Glance (US 6,732,088, hereinafter “Glance”).

With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not. M.P.E.P. §2142. Accordingly, “the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2142; *see KSR International Co. v. Teleflex, Inc.*, 550 U.S.398, 82 USPQ 2d 1385, 1395-97 (2007).

A. Independent Claim 1

Applicants’ claim 1, as amended, recites:

1. A computer-based method performed in a computer system for identifying a product relating to a web page configured to be displayed through a first web site, the method comprising:

storing in the computer system a plurality of previously submitted queries submitted through a second web site by users of the second web site, each of the previously submitted queries having a popularity value stored in the computer system;

receiving at the computer system a request for product information, said request including content derived from the web page;

identifying at the computer system previously submitted queries that match at least a portion of the content derived from the web page, the identified previously submitted queries from the plurality of previously submitted queries;

selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted query;

submitting from the computer system the selected previously submitted query to a product search engine to identify a product that is related to the content; and

providing from the computer system information about the identified product to be displayed on the web page through the first web site.

As noted above, claim 1 recites “receiving at the computer system a request for product information” that includes “content derived from [a] web page” and “identifying...previously submitted queries that match at least a portion of the content derived from the web page.” The Office Action on pages 3 and 4 alleges that Rorex discloses “receiving at the computer system content derived from the web using the computer system to identifying previously submitted...that match at least a portion of the content derived from the web page” at column 5, lines 52-57 and column 12, lines 8-20 of Rorex. Applicants respectfully disagree.

For example, column 5, lines 52-57 of Rorex describes that “the searcher may click on HyperText links associated with each listing in that search result page to access the corresponding web pages.” Thus, as confirmed by the Examiner during the aforementioned interview, “receiving...content derived from the web page,” as recited in claim 1, is considered in the Office Action to be disclosed by “the searcher...access[ing] the corresponding web pages.”

Column 12, lines 8-20 of Rorex describe that “data returned by the crawler is examined” which “includes data from the site identified by the URL and all accessible pages of the site.” Thus, also as confirmed by the Examiner during the aforementioned interview, “receiving...content derived from the web page,” as recited in claim 1, is considered in the Office Action to be additionally disclosed by “data returned by the crawler” which includes data from the site identified by the URL and all accessible pages of the site.”

Applicants respectfully submit that, even assuming *arguendo* that column 5, lines 52-57 and column 12, lines 8-20 disclose “receiving...content derived from the web page,” neither portion of Rorex teaches “receiving...a request for product information” that includes “content derived from the web page,” as recited in amended claim 1. For instance, Rorex does not disclose that “the corresponding web pages” accessed by the searcher in column 5, lines 8-20 include “a request for product information.” Likewise, Rorex does not disclose that “data returned by the crawler” in column 12, lines 52-57 includes “a request for product information,” as recited in claim 1. The secondary reference, Glance, does not make up for this deficiency because Glance is directed to “a method and system to facilitate searching a data collection, such

as the World Wide Web, that takes advantage of the collective ability of all users to create queries to the data collection.” See Glance, Abstract. Thus, it is respectfully submitted that Rorex and Glance, neither individually nor in combination, teach “receiving at the computer system a request for product information” that includes “content derived from [a] web page,” as recited by claim 1.

In addition, claim 1 recites “selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted query.” The Office Action on page 4 alleges that “using the computer system to select an identified previously submitted query based on the popularity value of the identified previously submitted query” is disclosed in Rorex at Figure 2, element 206 and column 6, lines 42-50. Applicants respectfully disagree.

Element 206 of Figure 2 of Rorex is a step in a “method for operating the database search system of FIG. 1” (see Rorex, column 2, lines 58-59) that directs one to “identify matching related search listings in related search database.” Column 6, lines 42-50 describe element 206 in more detail. The beginning of the paragraph that includes column 6, lines 42-50 specifies that “a related searches web server initiates a search to identify matching related search listings in the related search database.” The paragraph further describes that “by matching search listings, it is meant that the respective search engine identifies search listings contained in the respective database which generate a match with the search request.” Lines 42-50 of column 6 describe that “a match may be generated if an exact, letter for letter textual match occurs between a bid on keyword and a search term” or “if a bidden keyword has a predetermined relationship with a search term.” Lines 2-50 further explain that “a predetermined relationship may include matching the root of a word which has been stripped of suffixes;...matching all but not all of the words; or locating the multiple words of the query with a predetermined number of words of proximity.”

Applicants respectfully submit that “matching search listings” as described in Rorex, column 6, lines 42-50 is different than “selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted

query.” Indeed, column 6, lines 42-50 of Rorex does not teach anything having a popularity value. Thus, it is respectfully submitted that column 6, lines 42-50 of Rorex does not teach “selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted query,” as recited by claim 1. Further, the secondary reference, Glance, does not make up for this failure of Rorex because, as noted above, Glance is directed to “a method and system to facilitate searching a data collection, such as the World Wide Web, that takes advantage of the collective ability of all users to create queries to the data collection.” See Glance, Abstract. Thus, it is respectfully submitted that Rorex and Glance, neither individually nor in combination, teach at least “selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted query,” as recited by claim 1. Thus, even assuming *arguendo* motivation to combine Rorex and Glance, the proposed combination still would not teach or suggest all elements of Applicants’ claim 1. As a result, claim 1 is allowable over, and not rendered obvious by, the proposed combination of Rorex and Glance.

B. Dependent Claims 2-6 and 9-10

Claims 2-6 and 9-10 depend from claim 1 and, therefore, Applicants respectfully submit that claims 2-6 and 9-10 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 2-6 and 9-10 independently recite patentable subject matter. For example, Applicants’ claim 2 recites “identifying the product based on experience-based relevance of the product to the selected query.” The Office Action cites to Rorex, column 2, lines 46-47, and column 6, lines 1-10 for a teaching regarding this element. The cited portions of Rorex, however, are unrelated to “experience-based relevance,” but instead concern using “additional indexes...to improve the relevancy and spread of related search results obtained using the [related search] database,” (column 2, lines 46-47) and identifying “related search listings relevant to the search request” and returning “a search result list to the searching including the identified search listings located in the pay for placement database and one or more identified related search listings located in the related searches

database" (column 6, lines 1-10). "Experience-based relevance" is not mentioned at all in column 2, lines 46-47 and column 6, lines 1-10.

As another example, claim 4 recites "selecting product data for the identified product." The Office Action at page 5 alleges that this element is taught by Rorex at column 4, lines 44-52. Applicants respectfully disagree. This portion of Rorex describes that "the search engine web server 108 generates a list of HyperText links to documents that contain information relevant to search terms entered by the user at a client computer 122." This list is transmitted, "in the form of a web page 114 to the network user, where it is displayed on the browser 124 running on the client computer 122." Thus, column 4, lines 44-52 describe not "selecting product data for the identified product" but generating "a list of HyperText links...that contain information relevant to search terms" and returning that list to a network user.

Thus, for at least the above reasons, it is respectfully submitted that Rorex and Glance do not, either alone or in combination, teach all elements of claims 2-6 and 9-10 and that, consequently, claims 2-6 and 9-10 are allowable under 35 U.S.C. § 103.

C. Independent Claim 11

As amended, independent claim 11 recites:

11. A computer-based method performed in a computer system for providing information about a product to be associated with content from a first system, the method comprising:

storing in the computer system a plurality of previously-submitted queries submitted to a second system, each previously submitted query having a popularity of submission value stored in the computer system;

identifying at the computer system a previously submitted query from the plurality of previously submitted queries based on a relevance of the previously submitted query to the content and the popularity of submission value of the previously submitted query;

submitting from the computer system the identified previously submitted query to select a product that matches the identified previously submitted query as the product to be associated with the content; and

providing from the computer system information about the selected product to be associated with the content through the first system.

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 11 obvious. For example, claim 11 recites “identifying at the computer system a previously submitted query from the plurality of previously submitted queries based on a relevance of the previously submitted query to the content and the popularity of submission value of the previously submitted query.” For reasons similar to those discussed above in connection with claim 1, contrary to the Office Action’s allegation on pages 6-7, Rorex does not teach this element and that Glance does not make up for this failure. Therefore, it is respectfully submitted that claim 11 is allowable over Rorex in view of Glance.

D. Dependent Claims 13-19 and 22-25

Claims 13-19 and 22-25 depend from claim 11 and, therefore, Applicants respectfully submit that claims 13-19 and 22-25 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 13-19 and 22-25 independently recite patentable subject matter. For example, claim 14 recites “selecting a relevant previously submitted query that is most popular.” The Office Action at page 8 alleges that Rorex, element 206 of Figure 2 and column 6, lines 42-50 teaches this element. Applicants respectfully disagree. Element 206 of Figure 2 and lines 42-50 of column 6 are discussed above and, as noted above, teach “identify[ing] matching related search listings in related search database” in a manner that does not include “selecting a relevant previously submitted query that is most popular,” as recited in claim 14. For reasons similar to those discussed above, Glance does not remedy this deficiency of Rorex.

As another example, claim 15 recites “ranking the identified products based on the experience of users who accessed results of similar queries.” For reasons similar to some of those discussed above, neither Rorex nor Glance, neither individually nor in combination, teach this element. Therefore, for at least the above reasons, it is respectfully submitted that claim 13-19 and 22-25 are allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

E. Independent Claim 26

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 26 obvious. In addition, Applicants respectfully note that claim 26 is allowable under 35 U.S.C. § 103 over Rorex in view of Glance for additional reasons. For example, claim 26 recites “sending the content [of a first web page] to a web service.” The Office Action at page 10 alleges that this element is taught by Rorex at elements 200 and 202 of Figure 2, and at column 6, lines 21-28. Applicants respectfully disagree.

Element 200 of Figure 2 is part of “a method for operating the database search system of FIG. 1” (see Rorex, column 2, lines 58-59) that is simply labeled “START.” Element 202 of Figure 2 is a step in the method labeled “RECEIVE SEARCH REQUEST.” Lines 21-28 of column 6 of Rorex describe element 202 and explain that “a search request is received...in any suitable manner.” Further, “it is envisioned that a search request will originate with a searcher using a client computer to access the search engine web page of the database system implementing the method illustrated in FIG. 2.” Applicants respectfully submit that simply sending a “search request” is different than “sending the content [of a first web page] to a web service.”

Further, even assuming *arguendo* that sending “a search request” to a search engine is the same as “sending the content to a web service” (which implies that the “search request” is considered by the Office Action to be “content”), amended claim 26 additionally recites “receiving a request to view the content from a visitor of the first web page.” Rorex does not teach this element. For example, assuming that Rorex’s “search request” as disclosed in the reference is content, as considered by the Office Action, Rorex does not teach “receiving a request to view” the search request. Consequently, Rorex does not teach “receiving a request to view the content from a visitor of the first web page.”

As noted above, Glance, which is cited by the Office Action only for “using the previously submitted queries,” is directed to different subject matter than Applicants’ claims and,

as a result, does not appear to make up for the aforementioned deficiencies of Rorex. Therefore, for at least the above reasons, it is respectfully submitted that Rorex and Glance do not, either individually or in combination, teach all elements of claim 26 and therefore, that claim 26 is allowable under 35 U.S.C. § 103.

F. Dependent Claims 27-30

Claims 27-30 depend from claim 26 and, therefore, Applicants respectfully submit that claims 27-30 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 27-30 independently recite patentable subject matter. For example, claim 27 recites that “the identifying of a previously submitted query is based on popularity of the query.” For at least some reasons similar to those discussed above, Rorex and Glance, either individually or in combination, do not teach this element. Therefore, for at least the reasons discussed above, it is respectfully submitted that claims 27-30 recite patentable subject matter under 35 U.S.C. § 103 over Rorex in view of Glance.

G. Independent Claim 38

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 38 obvious. For example, amended claim 38 recites “a component that identifies previously submitted queries of the popularity-based query table that match at least a portion of content in a request for product information, said request received from a source external to the computer system, the external source configured to display the content to users visiting the external source.” Further, claim 38 recites “a component that selects an identified previously submitted query based on its indication of popularity as indicated by the popularity-based query table.” For reasons similar to at least some of those discussed above, Rorex and Glance do not, individually or in combination, teach these elements. Therefore, it is respectfully submitted that claim 38 is allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

H. Dependent Claims 39-46

Claims 39-46 depend from claim 38 and, therefore, Applicants respectfully submit that claims 39-46 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 39-46 independently recite patentable subject matter. For example, claim 40 recites that “the query engine is experience-based.” For reasons similar to those discussed above, Rorex and Glance do not teach this element, either alone or in combination.

Claim 43 recites that “the identifying of previously submitted queries includes identifying the longest phrases of the content that match a query.” The Office Action at page 15 alleges that Rorex teaches this at element 204 of Figure 2, element 316 of Figure 3a, and lines 35-42 of Column 6. Applicants respectfully disagree. For example, element 204 of Figure 2 is a step in “a method for operating the database search system of FIG. 1” (column 2, lines 58-59), which directs one to “identify matching search listings in pay for placement database.” Element 316 in Figure 3a is merely a search box of a web page having the text “CD Burners.” The paragraph of Rorex that includes lines 35-42 of column 6, as discussed above, describes that “a related searches web server initiates a search to identify matching related search listings in the related search database.” The paragraph further describes that “by matching search listings, it is meant that the respective search engine identifies search listings contained in the respective database which generate a match with the search request.” Nowhere in this paragraph does Rorex describe “identifying the longest phrases of the content that match a query” and, as above, Glance does not appear to remedy this deficiency.

Consequently, for at least this additional reason, Applicants respectfully submit that claims 39-46 are allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

I. Independent Claim 47

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 47 obvious. For example, amended claim 47 recites “identifying at the computer system previously submitted

queries of the popularity-based query table that match the received content” and “receiving at the computer system content to be displayed on an associate's web site, the associate's web site configured to concurrently display product data provided by the vendor and the content.” For at least reasons similar to some of the reasons discussed above, Rorex and Glance do not, individually or in combination, teach these elements. Thus, it is respectfully submitted that claim 47 is allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

J. Dependent Claims 48-54

Claims 48-54 depend from claim 47 and, therefore, Applicants respectfully submit that claims 48-54 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 48-54 independently recite patentable subject matter. For example, claim 48 recites that “the submitting of the selected query is performed by an experience-based query engine.” Claim 51 recites that “the popularity of a query is based on when users request information on a product identified by results of the query.” As discussed above, Rorex and Glance, neither individually nor in combination, teach these elements and, as a result, Applicants respectfully submit that Claims 48-54 are allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

K. Independent Claim 55

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 55 obvious. For example, claim 55 recites “means for providing a popularity-based query table containing previously submitted queries and indications of the popularity of each of the previously submitted queries” and “means for receiving a request to identify products related to content from an external source.” For reasons similar to at least some of those discussed above, Rorex and Glance do not, individually or in combination, teach these elements. Therefore, it is respectfully submitted that claim 55 is allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

L. Independent Claims 56

It is respectfully submitted that for reasons including at least some of those set forth above, a combination of the teachings of Rorex and Glance do not render claim 55 obvious. For example, claim 56 recites “means for providing a popularity-based query table containing previously submitted queries and indications of the popularity of each of the previously submitted queries” and “means for receiving a request to identify products related to content from an external source.” For reasons similar to at least some of those discussed above, Rorex and Glance do not, individually or in combination, teach these elements. Therefore, it is respectfully submitted that claim 56 is allowable under 35 U.S.C. § 103 over Rorex in view of Glance.

M. Dependent Claims 57-60

Claims 57-60 depend from claim 56 and, therefore, Applicants respectfully submit that claims 57-60 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 57-60 independently recite patentable subject matter. For example, claim 57 recites that “the previously submitted query is identified based on the popularity of previously submitted queries among users.” For at least reasons similar to some of the reasons discussed above, Rorex and Glance do not, individually or in combination, teach this element. Thus, for at least these reasons it is respectfully submitted that claims 57-60 are allowable under 35 U.S.C. § 103.

III. Claims 7-8 and 20-21 Are Allowable Under 35 U.S.C. § 103 Over Rorex in View of Glance and Barsness

Claims 7-8, 20-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rorex as modified (US 6,876,997) in combination with Glance (US 6,732,088) as applied to claims 1-6, 9-11, 13-19, 22-30 and 38-60 above, and further in view of Barsness et al. (US2003/0028441). Applicants respectfully traverse this rejection.

Claims 7-8 and 20-21 depend from independent claims 1 and 11, respectively. As discussed above, claims 1 and 11 are allowable under 35 U.S.C. § 103. Consequently, it is respectfully submitted that each of claims 7-8 and 20-21 are allowable at least for depending on an allowable independent claim.

Applicants respectfully further submit that claims 7-8 and 20-21 further define patentable material that is not taught by the cited references. For example, claim 7 recites that “the web page represents a web log” and claim 20 recites that “the content is a web log.” The Office Action on pages 23-25 acknowledges that Rorex “does not explicitly disclose the content representing a web log” but alleges that this element is taught by Barsness at paragraph 32. Applicants respectfully disagree.

Paragraph 32 of Barsness describes that “message analysis can be performed in a number of manners, e.g., in batches or via automated crawling (e.g., as would typically be the case for forum messages), or via access of messages received individually, even in near-real-time, by an answer fulfillment-based marketing system (e.g., as would typically be the case for mailing list and chat room messages)” and that “in some instances, archives may exist of forum threads, mailing list messages or digests, chat room transcripts, etc., which may be searched for relevant queries as well.” Paragraph 32 does not, however, make any mention of a web page or content that “represents a web log” as recited in claims 7 and 20.

As another example, claim 8 recites that “the web page contains an instant messaging message” and claim 21 recites that “the content is an instant messaging message.” The Office Action on pages 23-25 acknowledges that Rorex “does not explicitly disclose an instant messaging message” but alleges that this element is taught by Barsness at paragraph 27. Applicants respectfully disagree.

Paragraph 27 of Barsness describes that “the analysis techniques utilized herein are typically based upon messages that are associated with one or more electronic communities, or discussion areas, where multiple individuals interact with one another, and often where additional individuals that do not actually participate in an electronic ‘conversation’ or exchange will also be able to ‘listen’ to the conversation, either in real-time or at a later date (e.g., by

searching through a message archive).” In the same paragraph, Barsness gives examples of “any number of electronic communities, including forums, mailing lists, chat rooms, message boards, bulleting boards, auction sites, etc., may be analyzed in the manner discussed herein.” Paragraph 27 of Barsness does not, however, give an example of a web page or content that having “an instant messaging message,” as recited in claims 8 and 21.

Therefore, for at least these additional reasons, it is respectfully submitted that the cited references do not, either alone or in combination, teach all elements of claims 7-8 and 20-21. Further the remaining Glance reference does not make up for the deficiencies of Rorex and Barsness because the reference is directed to different subject matter, namely, “A method and system to facilitate searching a data collection, such as the World Wide Web, that takes advantage of the collective ability of all users to create queries to the data collection.” Glance, Abstract. Therefore, it is respectfully submitted that claims 7, 8, 20, and 21 are allowable under 35 U.S.C. § 103 over Rorex in view of Glance and Barsness.

IV. Amendment To The Claims

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter. In addition, by focusing on specific claims and claim elements in the discussion above, Applicants do not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present disclosure.

Appl. No. 10/601,013
Amdt. dated April 29, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2171

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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